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August 23, 2021

VIA ECF

Hon. Vernon S. Broderick, U.S.D.J.
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, NY 10007

Re: *Franko v. Lewnowski et al.*, No. 21-cv-6115 (VSB)

Dear Judge Broderick:

We represent defendants Oskar Lewnowski, Orion Resource Partners (USA) LP, Orion Commodities GP Limited, and Orion Commodities Management LP (f/k/a Orion Commodities Management LLC). We write in brief response to the plaintiff's letter to the Court dated August 20, 2021, in which his counsel requests additional information regarding the citizenship of each defendant to confirm the Court's diversity jurisdiction. (Dkt. No. 8.)

- Defendant Oskar Lewnowski is a resident of (and is domiciled in) New York;
- Defendant Orion Resource Partners (USA) LP is a Delaware limited partnership. Its three partners are Orion Resource Partners GP LLC (a Delaware limited liability company whose sole member is Oskar Lewnowski), Eleanor Mary Olivia Lewnowski, and 2012 Lewnowski Family Trust UAD 12/19/2012. Eleanor Mary Olivia Lewnowski, like Oskar Lewnowski, is a resident of (and is domiciled in) New York. The 2012 Lewnowski Family Trust UAD 12/19/2012 is a Delaware trust whose trustees are Eleanor Mary Olivia Lewnowski and U.S. Trust Company of Delaware. U.S. Trust Company of Delaware is a Delaware corporation whose principal place of business is in Delaware;
- Defendant Orion Commodities GP Limited is an exempted company incorporated in the Cayman Islands. Its sole shareholder is Oskar Lewnowski and its principal place of business is in New York;
- Defendant Orion Commodities Management LP (f/k/a Orion Commodities Management LLC) is a Delaware limited partnership whose partners are Orion Resource Partners GP LLC and Orion Resource Partners (USA) LP, both of whose members and partners are as provided above; and

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- Plaintiff alleges that he is a resident of the State of New Jersey.

Thus, as indicated in the removal papers, there is complete diversity between the plaintiff and defendants. In accordance with this Court's scheduling order, defendants will file their response to the Complaint by August 31, 2021. We appreciate the opportunity to submit this letter and will be available at the Court's convenience should the Court have any questions on this matter.

Respectfully submitted,

/s/ Benjamin R. Nagin

Benjamin R. Nagin

cc: All Counsel of Record (via ECF)